

CONVERSATION RECORD

TIME

DATE

4/23/84

TYPE

☐ VISIT☐ CONFERENCE☐ TELEPHONE☐ INCOMING☐ OUTGOING

Location of Visit/Conference: FYI

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

ROUTING

NAME/SYMBOL

INT

Dikinis

Vanderlaan

Bartelt

Constantelos

Gade

Ulrich

Schaefer

SUBJECT

BASF Consent Decree

US EPA RECORDS CENTER REGION 5



404038

SUMMARY

Attached please find a draft cover memo & copy of the BASF decree signed by the Co.

Both EPA & DJS are interested in getting this finalized.

Frank Kelley, the Mich AG has been sitting on it for 3 weeks now. A local senator has problems w/ leaving haz was in his district. Stu Freeman indicates Kelley is waiting for the political pressure to die down.

- Meanwhile, we have an angry judge on our hands w/ a new status call coming up on May 5.

- Under "to be published" EPA policy & EROD may be necessary if this doesn't get signed

- The Co. is tired of waiting & will not comply w/ interim dates if we don't get started soon.

ACTION REQUIRED

I recommend a briefing w/ the RA & a phone call to Mr. Kelly by the end of this week. I'll try to

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Tamera Rekar 6-6673

4/23/84

ACTION TAKEN

arrange a conference call and briefing time for Thursday of this week. Please call me if that's a bad day for scheduling.

SIGNATURE

TITLE

DATE



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

MEMORANDUM

SUBJECT: Recommendation to Execute a Consent Decree in
Settlement of BASF/FMT, Riverside, MI, RCRA Case

FROM: Robert B. Schaefer Basil G. Constantelos
Regional Counsel Director, Waste Management
Division

TO: Valdas V. Adamkus
Regional Administrator

Attached please find seven original copies of the proposal U.S. EPA, Michigan DNR and BASF consent decree, executed by BASF. This memorandum recommends that the decree be executed by you and forwarded to Courtney M. Price for signature on behalf of U.S. EPA.

This action was filed in 1980, seeking injunctive relief pursuant to Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973 and the Refuse Act, 33 U.S.C. § 407. The thirty acre site is contaminated by hazardous chemicals found in the soil, groundwater, and surface water. The contaminants include, heptachlor, benzene, cyanide, chloroform, polychlorinated biphenyls, polynuclear aromatic hydrocarbons, metals (arsenic, hexavalent chromium, cadmium and nickel).

The consent decree, highlighted, requires the following:

- improved security of site, including fencing
- a shoreline stability plan
- removal of surface water to a publically-owned-treatment works
- surface grading including a vegetative cover
- construction of a berm
- compacted clay cover on portions of the site
- a drainage system
- air and groundwater monitoring

- 30 year maintenance program
- stipulated penalties of \$500.00 to \$1000.00 per day to both the U.S. and the State of Michigan
- a restrictive covenant regarding the use of the property
- \$100,000.00 payment to the State of Michigan for its past and future cost.

Under the terms of the decree, final compliance will be achieved by July 1, 1985. The state will be the lead in monitoring the cleanup. U.S. EPA has entered into a Memorandum of Understanding with the U.S. Army Corp. of Engineers who will represent U.S. EPA at the site.

We recommend that this decree is executed to resolve the litigation as it will ensure that conditions at the site which could endanger the public health, welfare, and environment are controlled.